



UNITED STATES PATENT AND TRADEMARK OFFICE

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BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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MAILED

JUN - 7 2006

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Applicants: Yamazaki et al.
Application No.: 09/768,306
Filed: 01/25/01
For: Head-up display device with
rotationally asymmetric curved surface

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,435.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Richard E. Schafer
RICHARD E. SCHAFER
Administrative Patent Judge

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Paper 1

Filed: June 7, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

OLYMPUS OPTICAL CO., LTD.,
Junior Party
(Patent 6,018,423,
Inventor: Koichi Takahashi),

v.

CANON KABUSHIKI KAISHA,
Senior Party
(Application 09/768,306
Inventors: Shoichi Yamazaki and Takeshi Nishimura).

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**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Patent Interference 105,435 (RES)
(Technology Center 2800)

DECLARATION - Bd.R. 203(d)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. ' 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count and claims designated as corresponding or as not corresponding to the count appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Richard E. Schafer has been designated to manage the interference. 37 CFR § 41.104(a).

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **2:00 p.m. on August 2, 2006** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR § 41.120 & 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A time periods for taking action during the motion phase are set in an order accompanying this declaration.

Part E. Identification and order of the parties

Junior Party

Named inventors:	Koichi Takahashi, Japan
Involved Patent:	6,018,423, issued January 25, 2000 based on Application 09/095,723, filed June 11, 1998
Title:	Optical System and Optical Apparatus
Assignee:	Olympus Optical, Co., Ltd.

Senior Party

Named Inventors:	Shoichi Yamazaki, Japan Takeshi Nishimura, Japan
Involved Application:	09/768,306, filed January 25, 2001
Title:	Head-Up Display Device With Rotationally Asymmetric Curved Surface
Assignee:	Canon Kabushiki Kaisha

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

1. An optical system comprising a prism member, wherein said prism member has two surfaces having a reflecting action to reflect light in said prism member, and two surfaces having a transmitting action to transmit light, and wherein said prism member has at least one rotationally asymmetric curved surface.

The claims of the parties are:

Olympus: 1-42

Canon: 1-10

The claims of the parties that correspond to Count 1 are:

Olympus: 1-42

Canon: 1-10

The claims of the parties that do not correspond to Count 1, and therefore are not involved in the interference, are:

Olympus: None

Canon: None

The parties are accorded the following benefit for Count 1:

Olympus:	08/912,119	8/15/97
	08/505,516	7/21/95

Canon:	08/959,285	10/24/97
	08/478,688	06/07/95

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see SO ¶ 106.1.1:

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Junior Party
(Patent 6,018,423,
Inventor: Koichi Takahashi),

v.

CANON KABUSHIKI KAISHA,
Senior Party
(Application 09/768,306
Inventors: Shoichi Yamazaki and Takeshi Nishimura).

Patent Interference 105,435 (RES)
(Technology Center 2800)

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Richard E. Schafer/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,018,423
Copy of claims of Application 09/768,306

Revised 3 January 2006

cc (via overnight delivery):

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